

Federal Communications Commission

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these amplifiers in services other than the Amateur Radio Service. Other uses of these amplifiers, such as in the Citizens Band Radio Service, are prohibited (§95.411 of this chapter). Examples of features which may result in the denial of certification are contained in §97.317 of this chapter.

[63 FR 36601, July 7, 1998]

DECLARATION OF CONFORMITY

§ 2.1071 Cross reference.

The general provisions of this subpart, shall apply to equipment subject to a Declaration of Conformity.

[61 FR 31046, June 19, 1996]

§ 2.1072 Limitation on Declaration of Conformity.

(a) The Declaration of Conformity signifies that the responsible party, as defined in §2.909, has determined that the equipment has been shown to comply with the applicable technical standards if no unauthorized change is made in the equipment and if the equipment is properly maintained and operated. Compliance with these standards shall not be construed to be a finding by the responsible party with respect to matters not encompassed by the Commission's rules.

(b) A Declaration of Conformity by the responsible party is effective until a termination date is otherwise established by the Commission.

(c) No person shall, in any advertising matter, brochure, etc., use or make reference to a Declaration of Conformity in a deceptive or misleading manner or convey the impression that such a Declaration of Conformity reflects more than a determination by the responsible party that the device or product has been shown to be capable of complying with the applicable technical standards of the Commission's rules.

[61 FR 31046, June 19, 1996]

§ 2.1073 Responsibilities.

(a) The responsible party, as defined in §2.909, must warrant that each unit of equipment marketed under a Declaration of Conformity is identical to the unit tested and found acceptable with the standards and that the records

maintained by the responsible party continue to reflect the equipment being produced under the Declaration of Conformity within the variation that can be expected due to quantity production and testing on a statistical basis.

(b) The responsible party, if different from the manufacturer, may upon receiving a written statement from the manufacturer that the equipment complies with the appropriate technical standards rely on the manufacturer or independent testing agency to determine compliance. However, the test records required by §2.1075 shall be in the English language and shall be made available to the Commission upon a reasonable request in accordance with the provisions of §2.1076.

(c) In the case of transfer of control of the equipment, as in the case of sale or merger of the responsible party, the new responsible party shall bear the responsibility of continued compliance of the equipment.

(d) Equipment shall be retested to demonstrate continued compliance with the applicable technical standards if any modifications or changes that could adversely affect the emanation characteristics of the equipment are made by the responsible party. The responsible party bears responsibility for the continued compliance of subsequently produced equipment.

(e) If any modifications or changes are made by anyone other than the responsible party for the Declaration of Conformity, the party making the modifications or changes, if located within the U.S., becomes the new responsible party. The new responsible party must comply with all provisions for the Declaration of Conformity, including having test data on file demonstrating that the product continues to comply with all of the applicable technical standards.

[61 FR 31046, June 19, 1996]

§ 2.1074 Identification.

Devices subject only to a Declaration of Conformity shall be uniquely identified by the responsible party. This identification shall not be of a format which could be confused with the FCC Identifier required on certified, notified, type accepted or type approved

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equipment. The responsible party shall maintain adequate identification records to facilitate positive identification for each device.

[61 FR 31047, June 19, 1996]

§2.1075 Retention of records.

(a) Except as shown in paragraph (b) of this section, for each product subject to a Declaration of Conformity, the responsible party, as shown in §2.909, shall maintain the following records:

(1) A record of the original design drawings and specifications and all changes that have been made that may affect compliance with the requirements of §2.1073.

(2) A record of the procedures used for production inspection and testing (if tests were performed) to insure the conformance required by §2.1073. (Statistical production line emission testing is not required.)

(3) A record of the measurements made on an appropriate test site that demonstrates compliance with the applicable regulations. The record shall contain:

(i) The actual date or dates testing was performed;

(ii) The name of the test laboratory, company, or individual performing the testing. The Commission may request additional information regarding the test site, the test equipment or the qualifications of the company or individual performing the tests;

(iii) A description of how the device was actually tested, identifying the measurement procedure and test equipment that was used;

(iv) A description of the equipment under test (EUT) and support equipment connected to, or installed within, the EUT;

(v) The identification of the EUT and support equipment by trade name and model number and, if appropriate, by FCC Identifier and serial number;

(vi) The types and lengths of connecting cables used and how they were arranged or moved during testing;

(vii) At least two photographs showing the test set-up for the highest line conducted emission and showing the test set-up for the highest radiated emission. These photographs must be focused originals which show enough

detail to confirm other information contained in the test report;

(viii) A description of any modifications made to the EUT by the testing company or individual to achieve compliance with the regulations;

(ix) All of the data required to show compliance with the appropriate regulations;

(x) The signature of the individual responsible for testing the product along with the name and signature of an official of the responsible party, as designated in §2.909; and

(xi) A copy of the compliance information, as described in §2.1077, required to be provided with the equipment.

(b) If the equipment is assembled using modular components that, by themselves, are subject to authorization under a Declaration of Conformity and/or a grant of certification, and the assembled product is also subject to authorization under a Declaration of Conformity but, in accordance with the applicable regulations, does not require additional testing, the assembler shall maintain the following records in order to show the basis on which compliance with the standards was determined:

(1) A listing of all of the components used in the assembly;

(2) Copies of the compliance information, as described in §2.1077 for all of the modular components used in the assembly;

(3) A listing of the FCC Identifier numbers for all of the components used in the assembly that are authorized under a grant of certification;

(4) A listing of equipment modifications, if any, that were made during assembly; and

(5) A copy of any instructions included with the components that were required to be followed to ensure the assembly of a compliant product, along with a statement, signed by the assembler, that these instructions were followed during assembly. This statement shall also contain the name and signature of an official of the responsible party, as designated in §2.909.

(c) The records listed in paragraphs (a) and (b) of this section shall be retained for two years after the manufacture or assembly, as appropriate, of said equipment has been permanently